REMARKS/ARGUMENTS

Favorable reconsideration of this application as currently amended and in light of the following discussion is respectfully requested.

Claims 1-8, 10-12, 14-25, 27-29, and 31-46 are currently pending. The present Amendment amends Claims 1, 18, and 37; cancels Claims 9 and 26 without prejudice or disclaimer; and adds Claims 41-46. The changes and additions to the claims are supported by the originally filed application. No new matter has been added.

In the outstanding Office Action, Claims 1-3, 5-12, 14, 15, 18-20, 22-29, 31, and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Briffe et al. (U.S. Patent No. 6,112,141, herein "Briffe") in view of Snyder et al. (U.S. Patent No. 6,664,989, herein "Snyder '989") and Marks et al. (U.S. Patent No. 5,699,082, herein "Marks"); Claims 4, 16, 17, 21, and 33-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Briffe and Snyder '989 in view of Snyder (U.S. Patent No. 6,381,519, herein "Snyder '519"); Claims 37-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Snyder '989 in view of Briffe.

In response to the rejection of Claims 1-3, 5-12, 14, 15, 18-20, 22-29, 31, and 32 under 35 U.S.C. § 103(a), and in the spirit of moving prosecution forward in the present application, independent Claims 1 and 18 are amended to incorporate Claims 9 and 26, respectively.

Amended Claim 1 is thus directed to dialog system for dialog between an operator of an aircraft and at least one system of the aircraft, including: (1) a display configured to display at least one window including a plurality of responsive objects respectively associated with one of multiple functions of the at least one system of the aircraft; (2) a first cursor control device including a continuous cursor moving mechanism configured to move a cursor in a continuous manner on the display so as to designate a responsive object; and (3) a second

cursor control device ***configured to be activated during an emergency mode of the aircraft*** and including a discrete cursor moving mechanism configured to move the cursor in a discrete and cyclical manner on the display, responsive object by responsive object, so as to designate a responsive object.

The Office Action asserts at page 6 that "[i]t is obvious that an absolute motion of discrete cursor movement implies a single action by the operator, and an action perform during an emergency condition, because the operator only have a very short time to activate a key in a keyboard." However, "absolute motion" is only an alternative to "relative motion" in Snyder, which is silent on any emergency mode such as that recited in amended independent Claims 1 and 18. Moreover, "a single action by the operator," even if it were implied by an "absolute motion," does not imply "an action performed during an emergency condition" which is neither taught nor suggested by Snyder and was added in the Office Action following the benefit of hindsight of the present disclosure. Further, it is respectfully submitted that the system of Snyder would not be faster than to activate a key on the keyboard since it requires the user to locate and apply his finger at the desired location on the pad, just as the user would need to locate the key and press on it on the keyboard. The "absolute motion" of Snyder is also not necessarily faster than its "relative motion" since the finger of the user must travel the distance to the desired location on the pad, whether by brushing along the pad in the case of the "relative motion" or by translating above it in the case of the "absolute motion." Therefore, in addition, even if "the operator only have a very short time to activate a key in a keyboard" were a proper basis for reading an emergency mode in Snyder, there would be no motivation for using Snyder's device in an emergency mode.

Therefore, even if the combination of the Briffe, Snyder '989, and Marks patents is assumed to be proper, the combination fails to teach every element of independent Claims 1

and 18 so that Claims 1-3, 5-8, 10-12, 14, 15, 18-20, 22-25, 27-29, 31, and 32 patentably define over the cited references. Specifically, the combination fails to teach "a second cursor control device ***configured to be activated during an emergency mode of the aircraft*** and including a discrete cursor moving mechanism configured to move the cursor in a discrete and cyclical manner on the display, responsive object by responsive object, so as to designate a responsive object," as recited in independent Claim 1 and similarly recited in independent Claim 18. Accordingly, Applicant respectfully traverses, and requests reconsideration of, this rejection based on these patents.[1]

In addition, Applicant notes that the Office Action asserts at page 5 that "Briffe et al. discloses a QWERTY keyboard (see at least column 5, lines 26-30); also, Snyder et al. disclose multifunctional keyboard (see at least column 3, line 42). It is well known that a QWERTY keyboard, and a multifunctional keyboard can be programmed to included a Tab key." To that effect, Applicant respectfully submits that the presence of a Tab key in a QWERTY keyboard is not in dispute, nor has Applicant claimed the invention of the Tab key. However, there is no teaching or suggestion in either Briffe or Snyder '989 of using the Tab key as in the claimed invention, or even in the context thereof. Accordingly, the rejection of Claims 8 and 25 is further traversed.

In response to the rejection of Claims 4, 16, 17, 21, and 33-36 under 35 U.S.C. § 103(a), Applicant respectfully requests reconsideration of the rejection and traverses the rejection for the reasons set forth below.

The Office Action does not assert that Snyder '519 teaches the afore-mentioned feature of amended independent Claims 1 and 18 not taught by Briffe and Snyder '989. Therefore, even if the combination of the Snyder '519, Briffe, and Snyder '989 patents is

[1] See MPEP 2142 stating, as one of the three "basic criteria [that] must be met" in order to establish a *prima facie* case of obviousness, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations," (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

assumed to be proper, the combination fails to teach every element of the claimed invention. Specifically, the combination fails to teach "a second cursor control device ***configured to be activated during an emergency mode of the aircraft*** and including a discrete cursor moving mechanism configured to move the cursor in a discrete and cyclical manner on the display, responsive object by responsive object, so as to designate a responsive object," as recited in independent Claim 1 and similarly recited in independent Claim 18. Accordingly, Applicant respectfully traverses, and requests reconsideration of, this rejection based on these patents.[2]

In response to the rejection of Claims 37-40 under 35 U.S.C. § 103(a), Applicant respectfully requests reconsideration of the rejection and traverses the rejection for the reasons set forth below.

Claim 37 is directed to dialog system for dialog between at least one operator of an aircraft and at least one system of said aircraft, including: (1) at least two interactive windows, each of said at least two interactive windows including at least one responsive object associated with one of a plurality of functions of said at least one system of said aircraft; (2) a first moving mechanism configured to move a cursor on said interactive windows in an actuatable manner so as to designate a responsive object; (3) a second moving mechanism configured to move said cursor on said interactive windows in a discrete manner, responsive object by responsive object, so as to designate a responsive object; (4) a confirming mechanism for confirming the designated responsive object either in an actuatable manner or using at least one confirmation key; and (5) a third moving mechanism configured to move said cursor from window to window using an auxiliary displacement key.

The Office Action asserts that Snyder '989 discloses a first moving mechanism at column 3, lines 39-48; a second moving mechanism at columns 7-8, lines 61-14; and a third

[2] See MPEP 2142 stating, as one of the three "basic criteria [that] must be met" in order to establish a *prima facie* case of obviousness, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations," (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

moving mechanism at column 3, line 42, and column 4, lines 14-31. To that effect, Applicant respectfully submits that Snyder '989's column 3, line 42, discloses "mechanical buttons controls, and or the multifunction keyboard" and column 4, lines 14-31, merely disclose "menu bars (such as menu bar 320) or buttons 306 that may be present in a top portion 322 of the window, a bottom portion 304 of the window, or any other portion of the window" and explain how a "tab/menu" can be selected using a pointing device. It therefore follows that neither passage teaches or suggests a third moving mechanism ***configured to move said cursor from window to window using an auxiliary displacement key*** since the first passage does not state what the buttons and keyboard do and the second passage has a cursor moving across portions of a given window, not across distinct windows, and does not provide any teaching or suggestion of "an auxiliary displacement key."

The Office Action does not assert that Briffe teaches the afore-mentioned feature of amended independent Claim 37 not taught by Snyder '989. Therefore, even if the combination of the Briffe and Snyder '989 patents is assumed to be proper, the combination fails to teach every element of the claimed invention. Specifically, the combination fails to teach "a third moving mechanism configured to move said cursor from window to window using an auxiliary displacement key," as recited in independent Claim 37. Accordingly, Applicant respectfully traverses, and requests reconsideration of, the rejection of Claims 37-40 based on these patents.

In addition, Applicant notes that the Office Action asserts at page 10 that Snyder '989 teaches the fourth moving mechanism of Claim 38 based on column 3, line 42. To that effect, Applicant respectfully submits that all the mechanisms of column 3, lines 38-49, in Snyder '989 were already used at page 9 in assertions pertaining to the first, second, and third moving mechanisms of Claim 37. It is respectfully submitted that the Office Action cannot repeatedly use the same elements of Snyder '989 as teaching distinct claimed features of the

claimed invention, such as the fourth moving mechanism of Claim 38. Further, it is respectfully submitted that the cited passage does not teach or suggest a ***fourth*** mechanism configured to move said cursor ***directly*** onto a responsive objected associated with a function ***using a function key***. At most, the cited passage of Snyder '989 suggests using a "multifunction keyboard," but does not teach or suggest what the functions actually claimed. If this passage is maintained as teaching the "function key" of Claim 38 then it should not be considered as teaching the distinct "auxiliary displacement key" of Claim 37. In any case, there is no teaching of moving "window to window." Thus, Claim 38 is further patentably distinct over the prior art.

In addition, Applicant notes that the Office Action asserts at page 10 that Snyder '989 teaches the cursor "displayed at a default location in a window after moving said cursor from one window to another window" feature of Claims 39 and 40 based on column 3-4, lines 49-31, and cursors 210 and 302/210 in Figs. 2 and 3. To that effect, Applicant respectfully submits that there is no mention or suggestion of any default location in the cited passages, which makes sense because the cursor 210 is always in the display 114 of Fig. 2 and the cursor 302/210 is always in the display 114/300 of Fig. 3 and no cursor moves from display 114 to display 114/300. That is, Figs. 2 and 3, each of which illustrates an exemplary display of Snyder '989, are ***distinct*** embodiments and do not constitute two components of a ***single*** embodiment wherein a cursor would move from component to component.

Further, in order to vary the scope of protection recited in the claims, new Claims 41-46 are added. New Claims 41-46 find non-limiting support in the disclosure as originally filed, for example, in original Claim 34. Therefore, the new claims are not believed to raise a question of new matter.[3] The prior art does not teach or suggest the combination of features

[3] See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."

of Claim 37, nor the additional features of Claims 41-46, so that Claims 41-46 are believed to be allowable.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-8, 10-12, 14-25, 27-29 and 31-46 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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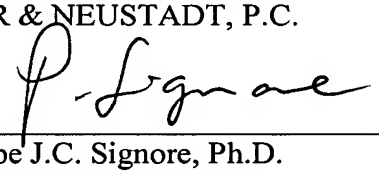

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